

PATENT
674509-2045.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Jom Borch SØE et al.
Serial No. : 10/040,394
For : IMPROVED METHOD FOR PREPARING FLOUR
DOUGHS AND PRODUCTS MADE FROM SUCH
DOUGHS USING A GLYCEROL OXIDASE
Filed : January 9, 2002
Examiner : Keith Hendricks
Art Unit : 1761

745 Fifth Avenue
New York, NY 10151

EXPEDITED PROCEDURE
RESPONSE AFTER FINAL ACTION
UNDER 37 C.F.R. §1.116

FACSIMILE

I hereby certify that this paper is being facsimile transmitted
to the Patent and Trademark Office on the date shown below.

Angela M. Nigro-Collison, Reg. No. 51,107

Type or print name of person signing certification

Angela M. Nigro-Collison
Signature

August 20, 2003

Date of Signature

TERMINAL DISCLAIMER

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following is a Terminal Disclaimer as to U.S. Application Serial Nos. 09/727,852
and 09/723,253 ("the '852 application" and "the '253 application", respectively), submitted to

**PATENT
674509-2045.1**

expedite prosecution and allowance, in response to the Examiner's request therefor, without any prejudice, admission, surrender of subject matter, or any intention of creating any estoppel as to equivalents. The Commissioner is authorized to charge \$110.00 in payment of the fee for filing and recordal of a Terminal Disclaimer and is hereby authorized to charge any additionally required fee therefor or credit any overpayment to Deposit Account No. 50-0320.

I, Thomas J. Kowalski, declare and state that I am the attorney of record and that I am authorized to execute terminal disclaimers on behalf Danisco A/S ("Danisco"), the assignee of the above-captioned application and both the '852 application and the '253 application;

That Danisco A/S has a place of business at Largebrogade 1, DK-1001 Copenhagen K, DENMARK;

That Danisco is the assignee of the entire right, title and interest in, to and under U.S. Patent application Serial No. 10/040,394, filed January 9, 2002 ("the above-captioned application"), as a divisional of U.S. application Serial No. 09/402,664 (now U.S. Patent No. 6,406,723, "the '664 application") by virtue of the assignments from the inventors recorded at the U.S. Patent and Trademark Office on November 15, 1999 set out at Reel: 010380, Frame: 0060, in the '664 application;

That Danisco is the assignee of the entire right, title and interest in, to and under U.S. Patent application Serial No. 09/723,253, filed November 27, 2000, by virtue of the assignment therein from the inventor recorded at the U.S. Patent and Trademark Office on April 6, 2001, at Reel: 011673, Frame: 0895 (copy attached);

That Danisco is the assignee of the entire right, title and interest in, to and under U.S. Patent application Serial No. 09/727,852, filed December 1, 2000, by virtue of the assignment therein from the inventor recorded at the U.S. Patent and Trademark Office on April 2, 2001, at Reel: 011651, Frame: 0444 (copy attached along with a copy of the request for a corrected assignment recordation notice filed concurrently herewith);

That Danisco hereby disclaims the terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of the either the '253 application or the '852 application, the lesser of the two currently being 20 years from the November 27, 2000 filing date of the '253 application;

**PATENT
674509-2045.1**

That Danisco hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the lesser of the '253 and '852 applications, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns; and

That no terminal part of any patent granted on the above-captioned application is disclaimed prior to the full statutory term of the lesser of the '253 and '852 applications, in the event that said '253 or '852 application earlier expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or is terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its full statutory term, except for the separation of legal title stated above;

That in accordance with 37 C.F.R. § 3.73(b), the undersigned attorney of record, empowered to sign this Statement on behalf of Danisco, states that Danisco is the assignee of the entire right, title and interest in the patent applications identified above (the above-captioned application and the '253 and '852 applications) by virtue of the assignments identified above;

And thus, that the undersigned has reviewed documents in the chain of title of the patent applications and patent identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

Reconsideration and withdrawal of the double patenting rejections are respectfully requested.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By: 


Thomas J. Kowalski

Reg. No. 32,147

Angela M. Nigro-Collison

Reg. No. 51,107

Tel.: (212) 588-0800

Application Number 	Application No. 10/040,394	Applicant(s) SOE ET AL.	

TERMINAL DISCLAIMER	<input checked="" type="checkbox"/> APPROVED	<input type="checkbox"/> DISAPPROVED
Document Code - DISQ	This patent is subject to a Terminal Disclaimer	
INTERNAL DOCUMENT – DO NOT MAIL		

U.S. Patent and Trademark Office

Tuesday 05 of Oct 1999, IP 33639600

-8943 9

Page 1 of 3

OCT 04 '99 10:37 AM HUNTON & WILLIAMS

OCT 27 1999

P.4/6

Attorney Docket No.: 54321.000012

JOINT DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names:

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled IMPROVED METHOD FOR PREPARING FLOUR DOUGHS AND PRODUCTS MADE FROM SUCH DOUGHS USING GLYCEROL OXIDASE, the specification of which

☒ is attached hereto,
☐ was filed on _____ as Application Serial Number _____ and was
 amended on _____
 (if applicable)

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to in this declaration.

We acknowledge the duty to disclose all information known to us to be material to the patentability of this application, as defined in 37 C.F.R. § 1.56.

We acknowledge the duty to disclose to the Office all information known to us to be material to patentability as defined in § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Under 35 U.S.C. 119
Denmark	PCT/DK 98/00136	03 April 1998		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Denmark	DK 0400/97	09 April 1997		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Prior United States Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code, § 119(a) of any United States provisional application(s) listed below

Application Serial Number	Date of Filing (day, month, year)

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

BEST AVAILABLE COPY

Tuesday 05 of Oct 1999

LP 33639600

->8943 9

Page 2 of 3

OCT 04 '99 09:37PM HUNTON & WILLIAMS

P.5/6

Attorney Docket No.: 54321.000012

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Thomas J. Scott, Jr., Registration No. 27,836; Stanislaus Aksman, Registration No. 28,562; James G. Garro, Registration No. 32,894; Christopher C. Campbell, Registration No. 37,291; Henry C. Su, Registration No. 37,228; Tyler S. Brown, Registration No. 38,466; Brian M. Buroker, Registration No. 39,126; Charles F. Hollis, Registration No. 40,850; Jonathan D. Link, Registration No. 41,648; Kevin J. Dunneavy, Registration No. 32,624; Kevin T. Duncan, Registration No. 41,495; Charles B. Lobeens, Registration No. 37,857; George Georgelka, Registration No. 43,632; Stephen T. Schreiner, Registration No. 43,097; Christopher J. Curcio, Registration No. 42,450; Raphael A. Valencia, Registration No. 43,215; Scott D. Balderson, Registration No. 25,436; Steven P. Knochold, Registration No. 39,261; Yixun Song, Registration No. P44,487; Dinarda J. Dorster, Registration No. P45,268; Matthew J. Pryor, Registration No. P45,278.

All correspondence and telephone communications should be addressed to Hunton & Williams, 1900 K Street, N.W., Washington, D.C. 20006-1109, telephone number (202) 955-1500, which is also the address and telephone number of each of the above listed attorneys.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature Jørn Borch Siv

Date 05 October 1999

Full Name of First Inventor BOE Jørn
Family Name First Given Name

Borch
Second Given Name

Residence Orsvænget 11, DK-8381 Mundelstrup, DENMARK DKX

Citizenship Denmark

Post Office Address Same as above

Signature Charlotte Horsmann Poulsen

Date 05 oktober 1999

Full Name of Second Inventor POULSEN Charlotte
Family Name First Given Name

Horsmann
Second Given Name

Residence Langdalsvej 37, DK-8220 Brabrand, DENMARK DKX

Citizenship Denmark

Post Office Address Same as above

Signature _____

Date _____

Full Name of Third Inventor RASMUSSEN Preben
Family Name First Given Name

Second Given Name

Residence Begsgårdsvej 1, DK-4070 Kirke Hyllinge, DENMARK

Citizenship Danmark

Post Office Address Same as above

BEST AVAILABLE COPY

Tuesday 05 of Oct 1999

LP 33639600

->8943 9

Page 3 of 3

OCT 04 '99 03:34PM HUNTON & WILLIAMS

P.6/6

Attorney Docket No.: 54321.000012

OCT 22 1999

Signature

Date

Full Name of
Third Inventor

MADRID

Family Name

Susan

First Given Name

Mampueti

Second Given Name

Residence Bortedet 12, DK-3500 Værlse, DENMARK

Citizenship Denmark

Post Office

Address Same as above

Signature

Masud R. Zarghi

Date

05 october 1999

Full Name of
Third Inventor

ZARGHI

Family Name

Masud

First Given Name

R.

Second Given Name

Residence Mølsgade 8, DK-8000 Århus C, DENMARK

PRX

Citizenship Denmark

Post Office

Address Same as above

HUNTON & WILLIAMS
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
Tel: (202) 955-1500
Fax: (202) 778-2201

BEST AVAILABLE COPY

OCT 04 '99 03:37PM HL" N & WILLIAMS



P. 4/6

Attorney Docket No.: 54321.000012

JOINT DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names:

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled IMPROVED METHOD FOR PREPARING FLOUR DOUGHS AND PRODUCTS MADE FROM SUCH DOUGHS USING GLYCEROL OXIDASE, the specification of which

☒ is attached hereto.
☐ was filed on _____ as Application Serial Number _____ and was
amended on _____
(if applicable)

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to in this declaration.

We acknowledge the duty to disclose all information known to us to be material to the patentability of this application, as defined in 37 C.F.R. § 1.56.

We acknowledge the duty to disclose to the Office all information known to us to be material to patentability as defined in § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Under 35 U.S.C. 119
Denmark	PCT/DK 98/00136	03 April 1998		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Denmark	DK 0400/97	09 April 1997		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Prior United States Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below

Application Serial Number	Date of Filing (day, month, year)

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

BEST AVAILABLE COPY

OCT 04 '99 03:37PM HUNTON & WILLIAMS

P.5/6

Attorney Docket No.: 54321.000012

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Thomas J. Scott, Jr., Registration No. 27,836; Stanislaus Aksman, Registration No. 28,562; James G. Gatto, Registration No. 32,694; Christopher C. Campbell, Registration No. 37,291; Henry C. Su, Registration No. 37,738; Tyler S. Brown, Registration No. 38,466; Brian M. Buroker, Registration No. 39,125; Charles F. Hollis, Registration No. 40,650; Jonathan D. Link, Registration No. 41,548; Kevin J. Dunleavy, Registration No. 32,024; Kevin T. Duncan, Registration No. 41,495; Charles B. Lobsenz, Registration No. 37,857; George Georgellis, Registration No. 43,632; Stephen T. Schreiner, Registration No. 43,097; Christopher J. Cuneo, Registration No. 42,450; Raphael A. Valencia, Registration No. 43,216; Scott D. Balderston, Registration No. 35,436; Steven P. Klocinski, Registration No. 39,251; Yisun Song, Registration No. P44,487; Dinnatia J. Doster, Registration No. P45,288; Matthew J. Pryor, Registration No. P45,278.

All correspondence and telephone communications should be addressed to Hunton & Williams, 1900 K Street, N.W., Washington, D.C. 20006-1109, telephone number (202) 955-1500, which is also the address and telephone number of each of the above listed attorneys.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature _____ Date _____

Full Name of
First Inventor SDE Jorn Borch
Family Name First Given Name Second Given Name

Residence Orevangst 11, DK-8381 Mundelstrup, DENMARK

Citizenship Denmark

Post Office
Address Same as above

Signature _____ Date _____

Full Name of
Second Inventor POULSEN Charlotte Horsmans
Family Name First Given Name Second Given Name

Residence Langdalsvej 37, DK-8220 Bradbrand, DENMARK

Citizenship Denmark

Post Office
Address Same as above

Signature Preben Rasmussen Date 8. Oct 1999

Full Name of
Third Inventor RASMUSSEN Preben _____
Family Name First Given Name Second Given Name

Residence Buegardsvej 1, DK-4070 Kirke Hyllinge, DENMARK DKX

Citizenship Denmark

Post Office
Address Same as above

BEST AVAILABLE COPY

OCT 04 '93 03:36PM HUNTON & WILLIAMS

P.6/6

Attorney Docket No.: 54321.000012

Signature _____

Date _____

Full Name of
Third Inventor

MADRID
Family Name

Susan
First Given Name

Mampusti
Second Given Name

Residence Bostedet 12, DK-3500 Vamse, DENMARK

Citizenship Denmark

Post Office

Address Same as above

Signature _____

Date _____

Full Name of
Third Inventor

ZARGANI
Family Name

Masoud
First Given Name

R.
Second Given Name

Residence Moisgade 8, DK-8000 Arhus C, DENMARK

Citizenship Denmark

Post Office

Address Same as above

HUNTON & WILLIAMS
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
Tel: (202) 955-1500
Fax: (202) 778-2201

BEST AVAILABLE COPY



Attorney Docket No.: 54321.000012

JOINT DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names:

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled IMPROVED METHOD FOR PREPARING FLOUR DOUGHS AND PRODUCTS MADE FROM SUCH DOUGHS USING GLYCEROL OXIDASE, the specification of which

- ☒ is attached hereto.
☐ was filed on _____ as Application Serial Number _____ and was amended on _____ (if applicable)

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to in this declaration.

We acknowledge the duty to disclose all information known to us to be material to the patentability of this application, as defined in 37 C.F.R. § 1.56.

We acknowledge the duty to disclose to the Office all information known to us to be material to patentability as defined in § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application Number	Date of Filing (day, month, year)	Date of Issue (day, month, year)	Priority Claimed Under 35 U.S.C. 119
Denmark	PCT/DK 98/00136	03 April 1998		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Denmark	DK 0400/97	09 April 1997		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Prior United States Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below

Application Serial Number	Date of Filing (day, month, year)

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial Number	Date of Filing (day, month, year)	Status - Patented, Pending, Abandoned

BEST AVAILABLE COPY

Attorney Docket No.: 54321.000012

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys, their registration numbers being listed after their names:

Thomas J. Scott, Jr., Registration No. 27,836; Stanislaus Aksman, Registration No. 28,562; James G. Gatto, Registration No. 32,694; Christopher C. Campbell, Registration No. 37,291; Henry C. Su, Registration No. 37,738; Tyler S. Brown, Registration No. 38,465; Brian M. Buroker, Registration No. 39,125; Charles F. Hollis, Registration No. 40,650; Jonathan D. Link, Registration No. 41,548; Kevin J. Dunleavy, Registration No. 32,024; Kevin T. Duncan, Registration No. 41,495; Charles B. Lobsenz, Registration No. 37,857; George Georgellis, Registration No. 43,632; Stephen T. Schreiner, Registration No. 43,097; Christopher J. Cuneo, Registration No. 42,450; Raphael A. Valencia, Registration No. 43,216; Scott D. Balderston, Registration No. 35,436; Steven P. Klocinski, Registration No. 39,251; Yisun Song, Registration No. P44,487; Dinnatia J. Doster, Registration No. P45,268; Matthew J. Pryor, Registration No. P45,278.

All correspondence and telephone communications should be addressed to Hunton & Williams, 1900 K Street, N.W., Washington, D.C. 20006-1109, telephone number (202) 955-1500, which is also the address and telephone number of each of the above listed attorneys.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature _____ Date _____

Full Name of
First Inventor SOE Jern Borch
Family Name First Given Name Second Given Name
Residence Orvangenget 11, DK-8381 Mundestrup, DENMARK
Citizenship Denmark
Post Office
Address Same as above

Signature _____ Date _____

Full Name of
Second Inventor POULSEN Charlotte Horsmans
Family Name First Given Name Second Given Name
Residence Langdalsvej 37, DK-8220 Brdrbrand, DENMARK
Citizenship Denmark
Post Office
Address Same as above

Signature _____ Date _____

Full Name of
Third Inventor RASMUSSEN Preben
Family Name First Given Name Second Given Name
Residence Bøgegårdsvej 1, DK-4070 Kirke Hyllinge, DENMARK
Citizenship Denmark
Post Office
Address Same as above

BEST AVAILABLE COPY

Attorney Docket No.: 54321.000012

Signature Susan M. Madrid

Date October 9, 1999

Full Name of

Third Inventor

MADRID

Family Name

Susan

First Given Name

Mamgual

Second Given Name

Residence Bosteder 12, DK-3500 Vedbæk, DENMARK Ellefolden 7, DK-2950 Vedbæk DKX

Citizenship Denmark

Post Office

Address Same as above

Signature

Date

Full Name of

Third Inventor

ZARGAHI

Family Name

Masoud

First Given Name

R.

Second Given Name

Residence Molsgade 8, DK-8000 Århus C, DENMARK

Citizenship Denmark

Post Office

Address Same as above

HUNTON & WILLIAMS
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109
Tel: (202) 955-1500
Fax: (202) 778-2201

BEST AVAILABLE COPY